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Attorneys for Plaintiff
8 UNITED STATES OF AMERICA

9 UNITED STATES DISTRICT COURT

10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 DANIEL ANGEL TORRES and
15 JOE BARRAGAN,

16 Defendants.

No. ED CR 25-137-ODW-2

PLEA AGREEMENT FOR DEFENDANT
JOE BARRAGAN

17
18 1. This constitutes the plea agreement between Joe Barragan
19 ("defendant") and the United States Attorney's Office for the Central
20 District of California (the "USAO") in the above-captioned case.
21 This agreement is limited to the USAO and cannot bind any other
22 federal, state, local, or foreign prosecuting, enforcement,
23 administrative, or regulatory authorities.

24 DEFENDANT'S OBLIGATIONS

25 2. Defendant agrees to:

26 a. At the earliest opportunity requested by the USAO and
27 provided by the Court, appear and plead guilty to count four of the
28 indictment in United States v. Daniel Angel Torres, et al., ED CR No.

1 25-137-ODW-2, which charges defendant with Distribution of
2 Methamphetamine in violation of 21 U.S.C. §§ 841(a)(1),
3 (b)(1)(A)(viii).

4 b. Not contest facts agreed to in this agreement.

5 c. Abide by all agreements regarding sentencing contained
6 in this agreement.

7 d. Appear for all court appearances, surrender as ordered
8 for service of sentence, obey all conditions of any bond, and obey
9 any other ongoing court order in this matter.

10 e. Not commit any crime; however, offenses that would be
11 excluded for sentencing purposes under United States Sentencing
12 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not
13 within the scope of this agreement.

14 f. Be truthful at all times with the United States
15 Probation and Pretrial Services Office and the Court.

16 g. Pay the applicable special assessment at or before the
17 time of sentencing unless defendant has demonstrated a lack of
18 ability to pay such assessments.

19 THE USAO'S OBLIGATIONS

20 3. The USAO agrees to:

21 a. Not contest facts agreed to in this agreement.

22 b. Abide by all agreements regarding sentencing contained
23 in this agreement.

24 c. At the time of sentencing, move to dismiss the
25 remaining counts of the indictment as against defendant. Defendant
26 agrees, however, that at the time of sentencing the Court may
27 consider any dismissed charges in determining the applicable
28

1 Sentencing Guidelines range, the propriety and extent of any
2 departure from that range, and the sentence to be imposed.

3 d. At the time of sentencing, provided that defendant
4 demonstrates an acceptance of responsibility for the offense up to
5 and including the time of sentencing, recommend a two-level reduction
6 in the applicable Sentencing Guidelines offense level, pursuant to
7 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an
8 additional one-level reduction if available under that section.

9 e. Recommend that defendant be sentenced to a term of
10 imprisonment no higher than 120 months.

11 NATURE OF THE OFFENSE

12 4. Defendant understands that for defendant to be guilty of
13 the crime charged in count four, that is, Distribution of
14 Methamphetamine, in violation of Title 21, United States Code,
15 Sections 841(a)(1), (b)(1)(A)(viii), the following must be true:

16 a. The defendant knowingly distributed a controlled
17 substance; and

18 b. The defendant knew that it was a federally controlled
19 substance.

20 5. Defendant understands that for defendant to be subject to
21 the statutory maximum and statutory minimum sentences set forth
22 below, the government must prove beyond a reasonable doubt that
23 defendant distributed at least 50 grams of methamphetamine.
24 Defendant admits that defendant, in fact, distributed at least 50
25 grams of methamphetamine.

26 PENALTIES

27 6. Defendant understands that the statutory maximum sentence
28 that the Court can impose for a violation of Title 21, United States

1 Code, Sections 841(a), (b)(1)(A)(viii), is: life imprisonment; a
2 lifetime period of supervised release; a fine of \$10,000,000 or twice
3 the gross gain or gross loss resulting from the offense, whichever is
4 greatest; and a mandatory special assessment of \$100..

5 7. Defendant understands that the statutory mandatory minimum
6 sentence that the Court must impose for a violation of Title 21,
7 United States Code, Sections 841(a), (b)(1)(A)(viii), is: 10 years'
8 imprisonment, followed by a 5-year period of supervised release, and
9 a mandatory special assessment of \$100.

10 8. Defendant understands that under 21 U.S.C. § 862a,
11 defendant will not be eligible for assistance under state programs
12 funded under the Social Security Act or Federal Food Stamp Act or for
13 federal food stamp program benefits, and that any such benefits or
14 assistance received by defendant's family members will be reduced to
15 reflect defendant's ineligibility.

16 9. Defendant understands that supervised release is a period
17 of time following imprisonment during which defendant will be subject
18 to various restrictions and requirements. Defendant understands that
19 if defendant violates one or more of the conditions of any supervised
20 release imposed, defendant may be returned to prison for all or part
21 of the term of supervised release authorized by statute for the
22 offense that resulted in the term of supervised release.

23 10. Defendant understands that, by pleading guilty, defendant
24 may be giving up valuable government benefits and valuable civic
25 rights, such as the right to vote, the right to possess a firearm,
26 the right to hold office, and the right to serve on a jury. Defendant
27 understands that he is pleading guilty to a felony and that it is a
28 federal crime for a convicted felon to possess a firearm or

1 ammunition. Defendant understands that the conviction in this case
2 may also subject defendant to various other collateral consequences,
3 including but not limited to revocation of probation, parole, or
4 supervised release in another case and suspension or revocation of a
5 professional license. Defendant understands that unanticipated
6 collateral consequences will not serve as grounds to withdraw
7 defendant's guilty plea.

8 11. Defendant and his counsel have discussed the fact that, and
9 defendant understands that, if defendant is not a United States
10 citizen, the conviction in this case makes it practically inevitable
11 and a virtual certainty that defendant will be removed or deported
12 from the United States. Defendant may also be denied United States
13 citizenship and admission to the United States in the future.
14 Defendant understands that while there may be arguments that
15 defendant can raise in immigration proceedings to avoid or delay
16 removal, removal is presumptively mandatory and a virtual certainty
17 in this case. Defendant further understands that removal and
18 immigration consequences are the subject of a separate proceeding and
19 that no one, including his attorney or the Court, can predict to an
20 absolute certainty the effect of his conviction on his immigration
21 status. Defendant nevertheless affirms that he wants to plead guilty
22 regardless of any immigration consequences that his plea may entail,
23 even if the consequence is automatic removal from the United States.

24 FACTUAL BASIS

25 12. Defendant admits that defendant is, in fact, guilty of the
26 offense to which defendant is agreeing to plead guilty. Defendant
27 and the USAO agree to the statement of facts provided below and agree
28 that this statement of facts is sufficient to support a plea of

1 guilty to the charge described in this agreement and to establish the
2 Sentencing Guidelines factors set forth in paragraph 14 below but is
3 not meant to be a complete recitation of all facts relevant to the
4 underlying criminal conduct or all facts known to either party that
5 relate to that conduct.

6 On November 7, 2023, in Riverside County, within the
7 Central District of California, defendant sold approximately
8 436.8 grams of pure methamphetamine to a person who, unbeknownst
9 to him, was an undercover law enforcement agent.

10 SENTENCING FACTORS

11 13. Defendant understands that in determining defendant's
12 sentence the Court is required to calculate the applicable Sentencing
13 Guidelines range and to consider that range, possible departures
14 under the Sentencing Guidelines, and the other sentencing factors set
15 forth in 18 U.S.C. § 3553(a). Defendant understands that the
16 Sentencing Guidelines are advisory only, that defendant cannot have
17 any expectation of receiving a sentence within the calculated
18 Sentencing Guidelines range, and that after considering the
19 Sentencing Guidelines and the other § 3553(a) factors, the Court will
20 be free to exercise its discretion to impose any sentence it finds
21 appropriate between the mandatory minimum and up to the maximum set
22 by statute for the crime of conviction.

23 14. Defendant and the USAO agree to the following applicable
24 Sentencing Guidelines factors:

25 Base Offense Level: 32 U.S.S.G. §§ 2D1.1(a)(5), (c)(4)
26 Defendant and the USAO reserve the right to argue that additional
27 specific offense characteristics, adjustments, and departures under
28 the Sentencing Guidelines are appropriate, except that the USAO

1 agrees defendant is not subject to any adjustment for aggravating
2 role under U.S.S.G. § 3B1.1. Defendant understands that defendant's
3 offense level could be increased if defendant is a career offender
4 under U.S.S.G. §§ 4B1.1 and 4B1.2. If defendant's offense level is
5 so altered, defendant and the USAO will not be bound by the agreement
6 to Sentencing Guideline factors set forth above.

7 15. Defendant understands that there is no agreement as to
8 defendant's criminal history or criminal history category.

9 16. Defendant and the USAO reserve the right to argue for a
10 sentence outside the sentencing range established by the Sentencing
11 Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1),
12 (a)(2), (a)(3), (a)(6), and (a)(7).

13 WAIVER OF CONSTITUTIONAL RIGHTS

14 17. Defendant understands that by pleading guilty, defendant
15 gives up the following rights:

- 16 a. The right to persist in a plea of not guilty.
- 17 b. The right to a speedy and public trial by jury.
- 18 c. The right to be represented by counsel -- and if
19 necessary have the Court appoint counsel -- at trial. Defendant
20 understands, however, that, defendant retains the right to be
21 represented by counsel -- and if necessary have the Court appoint
22 counsel -- at every other stage of the proceeding.
- 23 d. The right to be presumed innocent and to have the
24 burden of proof placed on the government to prove defendant guilty
25 beyond a reasonable doubt.
- 26 e. The right to confront and cross-examine witnesses
27 against defendant.
- 28

1 f. The right to testify and to present evidence in
2 opposition to the charges, including the right to compel the
3 attendance of witnesses to testify.

4 g. The right not to be compelled to testify, and, if
5 defendant chose not to testify or present evidence, to have that
6 choice not be used against defendant.

7 h. Any and all rights to pursue any affirmative defenses,
8 Fourth Amendment or Fifth Amendment claims, and other pretrial
9 motions that have been filed or could be filed.

10 WAIVER OF APPEAL OF CONVICTION

11 18. Defendant understands that, with the exception of an appeal
12 based on a claim that defendant's guilty plea was involuntary, by
13 pleading guilty defendant is waiving and giving up any right to
14 appeal defendant's conviction on the offense to which defendant is
15 pleading guilty. Defendant understands that this waiver includes,
16 but is not limited to, arguments that the statute to which defendant
17 is pleading guilty is unconstitutional, and any and all claims that
18 the statement of facts provided herein is insufficient to support
19 defendant's plea of guilty.

20 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

21 19. Defendant agrees that, provided the Court imposes a total
22 term of imprisonment on all counts of conviction of no more than 135
23 months, defendant gives up the right to appeal all of the following:
24 (a) the procedures and calculations used to determine and impose any
25 portion of the sentence; (b) the term of imprisonment imposed by the
26 Court; (c) the fine imposed by the Court, provided it is within the
27 statutory maximum; (d) to the extent permitted by law, the
28 constitutionality or legality of defendant's sentence, provided it is

1 within the statutory maximum; (e) the term of probation or supervised
2 release imposed by the Court, provided it is within the statutory
3 maximum; and (f) any of the following conditions of probation or
4 supervised release imposed by the Court: the conditions set forth in
5 Second Amended General Order 20-04 of this Court; the drug testing
6 conditions mandated by 18 U.S.C. §§ 3563(a)(5) and 3583(d); and the
7 alcohol and drug use conditions authorized by 18 U.S.C. § 3563(b)(7).

8 20. The USAO agrees that, provided all portions of the sentence
9 are at or above the statutory minimum and at or below the statutory
10 maximum specified above, the USAO gives up its right to appeal any
11 portion of the sentence.

12 RESULT OF WITHDRAWAL OF GUILTY PLEA

13 21. Defendant agrees that if, after entering a guilty plea
14 pursuant to this agreement, defendant seeks to withdraw and succeeds
15 in withdrawing defendant's guilty plea on any basis other than a
16 claim and finding that entry into this plea agreement was
17 involuntary, then (a) the USAO will be relieved of all of its
18 obligations under this agreement; and (b) should the USAO choose to
19 pursue any charge that was either dismissed or not filed as a result
20 of this agreement, then (i) any applicable statute of limitations
21 will be tolled between the date of defendant's signing of this
22 agreement and the filing commencing any such action; and
23 (ii) defendant waives and gives up all defenses based on the statute
24 of limitations, any claim of pre-indictment delay, or any speedy
25 trial claim with respect to any such action, except to the extent
26 that such defenses existed as of the date of defendant's signing this
27 agreement.

EFFECTIVE DATE OF AGREEMENT

22. This agreement is effective upon signature and execution of all required certifications by defendant, defendant's counsel, and an Assistant United States Attorney.

BREACH OF AGREEMENT

23. Defendant agrees that if defendant, at any time after the signature of this agreement and execution of all required certifications by defendant, defendant's counsel, and an Assistant United States Attorney, knowingly violates or fails to perform any of defendant's obligations under this agreement ("a breach"), the USAO may declare this agreement breached. All of defendant's obligations are material, a single breach of this agreement is sufficient for the USAO to declare a breach, and defendant shall not be deemed to have cured a breach without the express agreement of the USAO in writing. If the USAO declares this agreement breached, and the Court finds such a breach to have occurred, then: (a) if defendant has previously entered a guilty plea pursuant to this agreement, defendant will not be able to withdraw the guilty plea, and (b) the USAO will be relieved of all its obligations under this agreement.

24. Following the Court's finding of a knowing breach of this agreement by defendant, should the USAO choose to pursue any charge that was either dismissed or not filed as a result of this agreement, then:

a. Defendant agrees that any applicable statute of limitations is tolled between the date of defendant's signing of this agreement and the filing commencing any such action.

b. Defendant waives and gives up all defenses based on the statute of limitations, any claim of pre-indictment delay, or any

1 speedy trial claim with respect to any such action, except to the
2 extent that such defenses existed as of the date of defendant's
3 signing this agreement.

4 c. Defendant agrees that: (i) any statements made by
5 defendant, under oath, at the guilty plea hearing (if such a hearing
6 occurred prior to the breach); (ii) the agreed to factual basis
7 statement in this agreement; and (iii) any evidence derived from such
8 statements, shall be admissible against defendant in any such action
9 against defendant, and defendant waives and gives up any claim under
10 the United States Constitution, any statute, Rule 410 of the Federal
11 Rules of Evidence, Rule 11(f) of the Federal Rules of Criminal
12 Procedure, or any other federal rule, that the statements or any
13 evidence derived from the statements should be suppressed or are
14 inadmissible.

15 COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICES

16 OFFICE NOT PARTIES

17 25. Defendant understands that the Court and the United States
18 Probation and Pretrial Services Office are not parties to this
19 agreement and need not accept any of the USAO's sentencing
20 recommendations or the parties' agreements to facts or sentencing
21 factors.

22 26. Defendant understands that both defendant and the USAO are
23 free to: (a) supplement the facts by supplying relevant information
24 to the United States Probation and Pretrial Services Office and the
25 Court, (b) correct any and all factual misstatements relating to the
26 Court's Sentencing Guidelines calculations and determination of
27 sentence, and (c) argue on appeal and collateral review that the
28 Court's Sentencing Guidelines calculations and the sentence it

1 chooses to impose are not error, although each party agrees to
2 maintain its view that the calculations in paragraph 14 are
3 consistent with the facts of this case. While this paragraph permits
4 both the USAO and defendant to submit full and complete factual
5 information to the United States Probation and Pretrial Services
6 Office and the Court, even if that factual information may be viewed
7 as inconsistent with the facts agreed to in this agreement, this
8 paragraph does not affect defendant's and the USAO's obligations not
9 to contest the facts agreed to in this agreement.

10 27. Defendant understands that even if the Court ignores any
11 sentencing recommendation, finds facts or reaches conclusions
12 different from those agreed to, and/or imposes any sentence up to the
13 maximum established by statute, defendant cannot, for that reason,
14 withdraw defendant's guilty plea, and defendant will remain bound to
15 fulfill all defendant's obligations under this agreement. Defendant
16 understands that no one -- not the prosecutor, defendant's attorney,
17 or the Court -- can make a binding prediction or promise regarding
18 the sentence defendant will receive, except that it will be between
19 the statutory mandatory minimum and within the statutory maximum.

20 NO ADDITIONAL AGREEMENTS

21 28. Defendant understands that, except as set forth herein,
22 there are no promises, understandings, or agreements between the USAO
23 and defendant or defendant's attorney, and that no additional
24 promise, understanding, or agreement may be entered into unless in a
25 writing signed by all parties or on the record in court.

PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

29. The parties agree that this agreement will be considered part of the record of defendant's guilty plea hearing as if the entire agreement had been read into the record of the proceeding.

AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE
FOR THE CENTRAL DISTRICT OF
CALIFORNIA

BILAL A. ESSAYLI
United States Attorney


JOHN A. BALLA
Assistant United States Attorney

6/2/2025
Date


JOE BARRAGAN
Defendant

05-30-2025
Date

DAVID REED
Attorney for Defendant JOE BARRAGAN

5/30/2025
Date

CERTIFICATION OF DEFENDANT

I have read this agreement in its entirety. I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. No promises, inducements, or representations of any kind have been made to me other than those

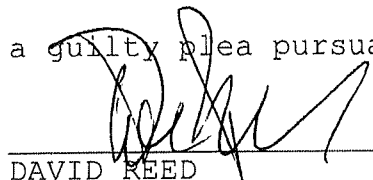
1 contained in this agreement. No one has threatened or forced me in
2 any way to enter into this agreement. I am satisfied with the
3 representation of my attorney in this matter, and I am pleading
4 guilty because I am guilty of the charge and wish to take advantage
5 of the promises set forth in this agreement, and not for any other
6 reason.

7
8 
JOE BARRAGAN
Defendant

05-30-2025
Date

10
11 CERTIFICATION OF DEFENDANT'S ATTORNEY

12 I am Joe Barragan's attorney. I have carefully and thoroughly
13 discussed every part of this agreement with my client. Further, I
14 have fully advised my client of his rights, of possible pretrial
15 motions that might be filed, of possible defenses that might be
16 asserted either prior to or at trial, of the sentencing factors set
17 forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines
18 provisions, and of the consequences of entering into this agreement.
19 To my knowledge: no promises, inducements, or representations of any
20 kind have been made to my client other than those contained in this
21 agreement; no one has threatened or forced my client in any way to
22 enter into this agreement; my client's decision to enter into this
23 agreement is an informed and voluntary one; and the factual basis set
24 forth in this agreement is sufficient to support my client's entry of
25 a guilty plea pursuant to this agreement.

26
27 
DAVID REED
Attorney for Defendant JOE BARRAGAN

5-30-2025
Date